

EXHIBIT M

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger,

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY INC.,)
A NONPROFIT ORGANIZATION ON BEHALF)
OF MEMBERS RESIDING IN GEORGIA;)
SIXTH DISTRICT OF THE AFRICAN)
METHODIST EPISCOPAL CHURCH, A)
GEORGIA NONPROFIT ORGANIZATION;)
ERIC T. WOODS; KATIE BAILEY GLENN;)
PHIL BROWN; JANICE STEWART,) CIVIL ACTION NO.
PLAINTIFFS,) 1:21-CV-05337-SCJ
v.)
BRAD RAFFENSPERGER, IN HIS)
OFFICIAL CAPACITY AS SECRETARY)
OF STATE OF GEORGIA,)
DEFENDANT.)

VIDEO RECORDED DEPOSITION OF LISA HANDLEY
(TAKEN by DEFENDANT)
ATTENDING VIA ZOOM IN WASHINGTON, D.C.
FEBRUARY 16, 2023

ALSO PRESENT: Alison Bos
VIDEOGRAPHER: James Downie
REPORTED BY: Meredith R. Schramek
Registered Professional Reporter
Notary Public
(Via Zoom in Mecklenburg County,
North Carolina)

1 A Yes.

2 Q So in this, you make a distinction, though.
3 You say in 67 percent of the contests that were not
4 polarized, it was because black voters supported white
5 candidates preferred by white voters.

6 Am I right?

7 A Right.

8 Q Why does that matter in your opinion?

9 A I'm not sure that matters so much to me, but
10 it appears to matter to, say, Dr. Alford, who argues
11 that black and white support -- that white voters vote
12 for white and black candidates at comparable rates in
13 the general election. They don't in the primary
14 election. In the primary election, there's quite a
15 difference between support for black-preferred black
16 candidates and black-preferred white candidates on
17 behalf of the white voters. So it's a counter,
18 basically, to Alford -- Dr. Alford. I'm sorry.

19 Q That's fine. Counter to Dr. Alford.

20 A I'm sorry?

21 Q I was just repeating you and thinking.

22 Does it matter for purposes of finding racial
23 polarization?

24 A I mean, it's a -- no. It's irrelevant, the
25 race of the candidate that voters are supporting. It's

1 only relevant who they're supporting and whether
2 they're supporting the same candidate or not.

3 Q Is that -- do you know if that is the Supreme
4 Court's -- how do I phrase this? I'll probably get an
5 objection but I'm going to go ahead and ask it.

6 Do you know if that standard that you just
7 cited is supported by a case -- a Supreme Court case in
8 which the majority made that pronouncement?

9 MS. LAKIN: Objection.

10 THE WITNESS: I can only speak to one Supreme
11 Court case. So I -- I don't know the answer to that
12 question.

13 I can tell you it -- that is from the -- it's
14 founded in the Gingles, but -- in the Thornburg v
15 Gingles opinion, but it could, of course, show up in
16 many others. I don't know.

17 BY MR. JACOUTOT:

18 Q Do you know if the majority of the Court
19 joined that standard or if it was a plurality?

20 MS. LAKIN: Objection.

21 THE WITNESS: I don't remember.

22 BY MR. JACOUTOT:

23 Q Okay. So when you say that what matters is
24 the race of the voters supported the same candidate and
25 not the race of the candidate, that's your opinion as a

1 political scientist, not necessarily a reflection of
2 the legal standard, the prevailing legal standard?

3 A Yes.

4 Q Turning back to the democratic primary, you'd
5 agree with me that there is much less racial
6 polarization in the democratic primary than there is in
7 the general election; correct?

8 A Yes. A hundred percent of the general
9 elections were polarized. Of the elections I looked
10 at, a hundred percent were polarized. That's higher
11 than 55 percent.

12 Q Pretty dramatically higher, wouldn't you say?

13 A A hundred percent is pretty stark.

14 Q Okay. I want to move on to your concluding
15 paragraph, which I think is on 31 -- yeah.

16 And so we might rehash a little bit of what
17 we've already talked about here, but you say that "My
18 analysis of voting patterns by race determined that
19 voting in all seven areas of Georgia that I examined is
20 residually polarized."

21 Do you see that?

22 A Yes.

23 Q And just to be clear, you didn't look at the
24 question of why the races vote the way they do to
25 create this polarization. You've just established that

1 it exists in the general elections; is that right?

2 A I did not look at causation. That's correct.

3 Q Okay. And you've established, too, that to a
4 lesser degree, it's present in the democratic primary
5 contests -- excuse me. Let me make sure you know what
6 "it" is referring to.

7 You state here that all the seven areas of
8 Georgia you examined are racially polarized, but in the
9 democratic primary contests you examined, it's true
10 that they are racially polarized by your standards but
11 to a lesser degree; is that right?

12 A Yes. But my conclusion that voting is
13 polarized in Georgia is based on the general elections.

14 Q Okay. And why didn't you look into the
15 causation -- potential for causation of the racial
16 polarization?

17 A I have never looked into the reason for the
18 polarization. I think the law is clear and certainly
19 the analysis that I've conducted and everybody that I
20 know has conducted looks at just the voting patterns of
21 black and white and not the intent behind it or the
22 causation behind it in terms of the Gingles factors.

23 Q Okay. And I think at the beginning of our
24 deposition, you mentioned that it might be possible, I
25 think you said, for some very clever people to